

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------|---|----------------------|
| RUDOLPH GEORGE STANKO, |) | |
| |) | |
| Plaintiff, |) | 7:05CV5023 |
| |) | |
| v. |) | |
| |) | |
| KYLE SCHIEDEMAN, et al., |) | MEMORANDUM AND ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on the (1) motion for leave to proceed in forma pauperis (Filing No. 34) filed by the plaintiff, Rudolph George Stanko; and (2) the motion to order marshal to serve summons (Filing No. 35). Both motions will be denied.

If the plaintiff wishes to proceed in forma pauperis ("IFP") in this action, he must complete an application, setting forth his assets under penalty of perjury, and demonstrating that he is indigent. If his application is granted, the Court will issue and serve summons. Otherwise, service of process is the plaintiff's responsibility. Any defendant who has not been served within 120 days from the date the complaint was filed may be dismissed pursuant to Fed. R. Civ. P. 4(m) upon the Court's own initiative or upon motion of such defendant.

IT IS ORDERED:

1) That plaintiff's motion for leave to proceed in forma pauperis and his motion to order marshal to serve summons are denied.

2) That the Clerk of Court shall send the plaintiff an application to proceed IFP.

DATED this 7th day of December, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court